

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## UNITED STATES DISTRICT COURT

for the  
District of  
Division

United States Courts  
Southern District of Texas  
FILED  
APR 27 2020  
David J. Bradley, Clerk of Court

Case No.

(to be filled in by the Clerk's Office)

J. B. Black

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

HARRIS COUNTY, HARRIS COUNTY  
JAIL, TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

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**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

J. B. BLACK

All other names by which  
you have been known:

ID Number

SPN# 01214826

Current Institution  
Address

1200 BAKER ST L6M1A

HOUSTON

City

TX

State

77002

Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

☐ Individual capacity☒ Official capacity

Defendant No. 2

Name

HARRIS COUNTY JAIL

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

☐ Individual capacity☒ Official capacity

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## Defendant No. 3

Name

Harris County

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐ Individual capacity☐ Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code

☐ Individual capacity☐ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☒ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

14<sup>th</sup> Amendment - 8<sup>th</sup> Amendment 6<sup>th</sup> Amendment

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

14<sup>th</sup> Amendment - 8<sup>th</sup> Amendment  
6<sup>th</sup> Amendment

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

See Attached

ON or BEFORE March 27, 2020, I'm  
being subjected TO COVID 19 ON daily  
EVENTS, and cruel and unusual PUNISHMENTS  
ON days I don't get out of my BUNK  
because I can't PRACTICE SOCIAL DISTANCE  
I fear of EATING. SO I want come IN  
CONTACT with guard or other INMATES  
IN case they have IT OFFICERS come  
IN our cell BLOCK daily coughing and  
without wearing PPE I'm NOT getting  
FEED properly TO PROMOTE a healthy IMMUNE  
SYSTEM cause I KITCHEN IS UNDER QUARANTINE.  
My STRESS level and anxiety IS out the  
ROUGH so they prescribed me some medication  
TO help ME. My diabetes and Hypertension  
has gotten worse. Harris County Jail have  
PUT ME IN grave RISK due TO NOT Following  
Safety PROTOCOLS during this time and  
but cause I have underlying Health  
CONDITIONS I'm IN CONSTANT FEAR of dying  
IN HERE ~~where~~ I don't have access  
TO Law Library, RECREATIONAL NOR Any other  
Things TO relieve My STRESS level.

I have counted 33 guards and other INMATES ENTER OUR CELLBLOCK WITHOUT PPE, gloves NOTHING TO help control this VIRUS. I have ASKED my ATTORNEY to help me with a speedy TRIAL and was denied. I have asked my APPEAL ATTORNEY TO get me appeal Bond I haven't heard Back BUT I think SINCE I have been SENTENCED TO 10 YEARS TDCJ I can't get it.

I JUST WANT OUT OF HARRIS COUNTY Jail cause ONE of the GUARDS by the NAME of (ALVAREZ) CONTRACTED IT and it's already back at work and said all of us going to get it. Because they are NOT Practing Safety precautions. and that's my fear cause I have HEALTH CONDITIONS. My ATTORNEY want file a petition for my release cause I don't have money to pay him. The Harris County Jail is TREATING us like were MIGRANTS from another country WE DON'T RECEIVE ANYTHING TO PROTECT OURSELVES FROM this deadly VIRUS.

I'm awaiting TDCJ. BUT they are  
REFUSING TO MATTER also I have ANOTHER  
CASE IN HARRIS COUNTY PRETRIAL that  
I CAN'T get a SPEEDY TRIAL that  
my Lawyer and the D.A. HAVE denied

C. What date and approximate time did the events giving rise to your claim(s) occur?

SEE ATTACHED

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

SEE ATTACHED

#### V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

EMOTIONAL DISTRESS, MENTAL ANGUISH, FALSE IMPRISONMENT,  
DIABETES HAVE GOTTEN WORSE AND YES I WAS TREATED  
HYPERTENSION HAS GOTTEN WORSE

#### VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I WOULD LIKE TO HOUSE MY TO HOME CONFINEMENT  
AND PUT ME ON LES MONITOR FOR THE DURATION OF MY  
APPEAL AND AS PRE-TRIAL DETAINEE SINCE I'M A LOW  
RISK INMATE SINCE I HAVE UNDERLYING HEALTH CONDITIONS  
THAT HAVE ESCALATED SINCE COVID 19



**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

HARRIS COUNTY JAIL

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☒ No

☐ Do not know

If yes, which claim(s)?

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☒ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

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2. What did you claim in your grievance?

---

3. What was the result, if any?

---

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

It DOES NOT COVER MY RIGHTS

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I informed the Sgt about guards NOT WEARING PPE and about guards coughing in cell block Nothing was Done cause its still happening

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

### VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

4/22/2020

Signature of Plaintiff

J. B. BLACK

Printed Name of Plaintiff

J. B. BLACK

Prison Identification #

SPN# 01214826

Prison Address

1200 BAKER ST GMIAHOUSTON

City

TX

State

77002

Zip Code

**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

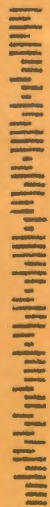
City

State

Zip Code

Telephone Number

E-mail Address



HARRIS COUNTY SHERIFF'S OFFICE JAIL

Name: T. B. BLACK

SPN: 01214824 Cell: 6M1A

Street: 1200 BAKER ST

HOUSTON, TEXAS 77002



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APR 22 2020 PM 7:23

United States Courts  
Southern District of Texas  
FILED

APR 27 2020

David J. Bradley, Clerk of Court

LEGAL MAIL

Clerk of Courts

515 Rusk Ave

Houston, TX 77002